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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,070	08/06/2001	Dietmar F. Wennemer	2001P12908US	1587

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Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER

PEREZ, JULIO R

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/924,070

Applicant(s)

WENNEMER ET AL.

Examiner

Julio R Perez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-28 is/are allowed.
- 6) ☒ Claim(s) 1-17, 19-21, 29-35, 38 is/are rejected.
- 7) ☐ Claim(s) 18, 36 and 37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-17, 19-21, 29-35, 38, are rejected under 35 U.S.C. 102(b) as being anticipated by McBride et al. (5923752).

Regarding claims 1, 29, McBride et al. teach a mobile telephone, comprising: a core assembly for supporting at least one functional component of the mobile telephone (col. 3, lines 7-27, the phone comprises housing that shelters functional circuitry, corresponding to a functional elements on a foundation of the telephone); and a shell for substantially enclosing the core assembly, wherein the shell is molded as a single piece around the core assembly (col. 3, lines 7-27, the phone include a housing to take firm hold of the housing that protects the circuitry, that fits closely following the contour).

Regarding claim 2, McBride et al. teach the mobile telephone, wherein the core assembly further comprises a user interface input/output device for communication of information with a user of the mobile telephone (col. 2, lines 61-67; col. 3, lines 1-6, the phone assembly includes entry keys and display for entering functions and displaying results on the display).

Regarding claims 3, 34, McBride et al. teach the mobile telephone, wherein the user interface input/output device comprises a display assembly for displaying information to the user, the display assembly being viewable through the shell (col. 2, lines 61-67; col. 3, lines 1-6, the assembly possesses a display).

Regarding claim 4, McBride et al. teach the mobile telephone, wherein the user interface input/output device comprises a keypad assembly (col. 2, lines 61-67; col. 3, lines; Fig. 2, ref. 44, 46, the assembly includes entry keys, corresponding to a keyboard).

Regarding claim 5, McBride et al. teach the mobile telephone, wherein the core assembly further comprises a functional core including a printed circuit board assembly supporting the at least one functional component (col. 3, lines 7-11, the assembly encompasses functional circuitry).

Regarding claims 6, 32, McBride et al. teach the mobile telephone, where in the at least one functional component comprises at least one of a core processor, an antenna, a SIM card reader, memory, and an I/O connector (col. 3, lines 3-6, the phone constitutes an antenna).

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Regarding claim 7, McBride et al. teach the mobile telephone, wherein the core assembly further comprises an electrical power source (col. 4, lines 28-31, the assembly comprises a power source from a battery).

Regarding claim 8, McBride et al. teach the mobile telephone, wherein the electrical power source comprises a battery assembly coupled to the printed circuit board assembly (col. 4, lines 28-31, the assembly comprises a power source from a battery for providing energy to circuitry components).

Regarding claims 9, 33, McBride et al. teach the mobile telephone, wherein the shell is formed of a resilient material, and wherein the printed circuit board assembly and battery assembly function as a backbone for the mobile telephone for providing rigidity to the shell (col. 3, lines 7-38; col. 4, lines 28-31, the assembly comprises a housing with sufficient rigidity).

Regarding claim 10, 35, McBride et al. teach the mobile telephone, wherein the shell is rigid (col. 3, lines 18-23, the enclosure is made of a rigid material).

Regarding claims 11, 30, McBride et al. teach the mobile telephone, wherein the shell is formed of a resilient material, and wherein the functional core assembly forms a backbone for the mobile telephone for providing rigidity to the shell (col. 3, lines 18-43, the enclosure is made of flexible material, which provides rigidity to the component assemblies).

Regarding claim 12, McBride et al. teach a method for assembling a mobile telephone, comprising: assembling a functional core assembly including at least one functional component of the mobile telephone (col. 3, lines 7-17, circuitry components

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included in the rigid assembly); and molding a shell about the functional core assembly, the shell substantially enclosing the functional core assembly (col. 3, lines 7-43, an molded assembly is included to shape in the phone enclosure into a rigid structure that serves to enclose functional components within the phone).

Regarding claim 13, McBride et al. teach the method, wherein the step of assembling the functional core assembly comprises assembling a functional core including a printed circuit board assembly wherein the at least one functional component is supported by the printed circuit board assembly (col. 3, lines 7-17; col. 4, lines 13-31, the assembly encloses phone electronic circuitry and components of phone to include battery assembly, earphone connection, and antenna assembly).

Regarding claim 14, McBride et al. teach the method, wherein the step of assembling the functional core assembly further comprises coupling an ancillary hardware component to the functional core (col. 3, lines 7-27 and 65-67; col. 4, lines 1-31, battery corresponding to power source means and microphone and earpiece are mounted on the circuitry enclosed within the phone rigid assembly).

Regarding claim 15, McBride et al. teach the method, wherein the step of assembling the functional core assembly further comprises coupling a user interface input/output device to the functional core (col. 3, lines 65-67; col. 4, lines 1-10, the assembly includes key entries and display within its circuitry components).

Regarding claim 16, McBride et al. teach the method, wherein the step of assembling the functional core assembly further comprises coupling a display assembly

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and a keypad assembly to the functional core (col. 3, lines 65-67; col. 4, lines 1-6; key entries and display means are included in the internal circuitry).

Regarding claim 17, McBride et al. teach the method, wherein the step of assembling the functional core assembly further comprises coupling a battery assembly to the functional core (col. 4, lines 28-36, the assembly comprises a battery placement structure within the circuitry of the phone).

Regarding claims 19, 38, McBride et al. teach the method, further comprising adding indicia to the shell (col. 3, lines 33-38, the enclosure can be suitable for identifying marks).

Regarding claim 20, McBride et al. teach the method, further comprising painting the shell after molding (col. 3, lines 39-43, the enclosure is suitable to be coated with a variety of desirable colors).

Regarding claim 21, McBride et al. teach the method, further comprising testing the mobile telephone for proper operation (col. 3, lines 4-65, it is inherent as evidenced by the fact that one of ordinary skill in the art would have recognized the necessary step of testing a manufactured device).

Regarding claim 31, McBride et al. teach the mobile telephone, wherein the core assembly comprises; a printed circuit board assembly supporting the at least one functional component (col. 3, lines 7-11, the assembly encompasses functional circuitry); a display assembly coupled to the printed circuit board assembly for displaying information to the user, the display assembly being viewable through the shell (col. 2, lines 61-67; col. 3, lines 1-6, the assembly possesses a display); a keypad

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assembly coupled to the printed circuit board assembly for receiving input of information, the shell being molded over the keypad assembly (col. 3, lines 65-67; col. 4, lines 1-6; key entries and display means are included in the internal circuitry); and a battery assembly coupled to the printed circuit board assembly for providing electrical power for the mobile telephone (col. 3, lines 7-38; col. 4, lines 28-31, the assembly comprises a housing with sufficient rigidity).

Allowable Subject Matter

4. Claims 18, 36, 37, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to disclose placing the entire functional core assembly in a molding device. Further, the prior art fails to disclose the shell being of transparent material for allowing the core assembly to be visualized through the shell, and the application of indicia to the core assembly directly.

5. Claim 22 is allowed.


The following is a statement of reasons for the indication of allowable subject matter: Prior art has not been found that suggests or renders obvious the limitations of independent claim 22 disclosing the placing of the entire functional core assembly in a molding apparatus and molding the shell and removing the mobile telephone from the molding apparatus after molding of the shell on the entire telephone device.


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R Perez whose telephone number is (571) 272-7846. The examiner can normally be reached on 7:00 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571)272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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5/26/05


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